

IN RE: PETITION FOR ZONING VARIANCE
E/S Caves Road, 1,000' S of
the c/l of Greenspring Avenue
(2125 Caves Road)
4th Election District
3rd Councilmanic District
Leo C. Hofmeister, et ux
Petitioners

* BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-289-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 25 feet in lieu of the required 50 feet, for a proposed porch enclosure in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Jim Mauro of Patio Enclosures, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 2125 Caves Road, is zoned R.C. 5 and is currently improved with a single family dwelling which has been the Petitioners' residence for the past 34 years. The Petitioners are desirous of enclosing an existing porch on the side of the dwelling. Due to the location of existing improvements, the proposed enclosure cannot be located elsewhere on the property. Therefore, the variance requested is required. Mr. Hofmeister testified that he has spoken with the adjoining property owner on the affected side who has indicated he has no objection to Petitioners' plans.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of February, 1989 that the Petition for Zoning Variance to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed porch enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/16/89
By [Signature]

AMN:hjs

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 5, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 5, 1989.

OWINGS MILLS TIMES,

S. Zale Olson
Publisher

PO 07844
NY 125155
case 89-289-A
price \$71.10

CERTIFICATE OF POSTING

District 4th
Posted for Variance
Petitioner: Leo C. Hofmeister, et ux
Location of property: E/S Caves Road, 1000' S c/l Greenspring Ave.
Location of Sign: In front of 2125 Caves Road
Remarks: [Signature]
Posted by [Signature]
Number of Signs: 1
Date of return: January 6, 1989

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-289-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3. To permit a side yard setback of 25' in lieu of the required 50'.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather, bugs, mosquitoes, flies, etc.
5. Improve appearance of house.

as prescribed by Zoning Regulations.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Leo C. Hofmeister

(Type or Print Name)

[Signature]

Ada E. Hofmeister

(Type or Print Name)

[Signature]

2125 Caves Rd.

Address

252-3992

Phone No.

Owings Mills, Md. 21117

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Patio Enclosures, Inc.

Name

224 8th Avenue, N.W., Glen Burnie, Md. 21061

Address

760-1212

Phone No.

City and State
Attorney's Telephone No.:
ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of Nov 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of JAN, 1989, at 2 o'clock P.M.

ESTIMATED FEE OF HEARING
\$100.00 (over)
RECEIVED BY [Signature] DATE 10/20/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

December 19, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-289-A
E/S Caves Road, 1000' S c/l Greenspring Avenue
2125 Caves Road
4th Election District - 3rd Councilmanic
Petitioner(s): Leo C. Hofmeister, et ux
HEARING SCHEDULED: WEDNESDAY, JANUARY 25, 1989 at 2:00 p.m.

VARIANCE to permit a side yard setback of 25 feet in lieu of the required 50 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Leo C. Hofmeister
Patio Enclosures, Inc.
File

LEGAL DESCRIPTION OF PROPERTY

Beginning on the East side of Caves Road, 50 feet wide, at the distance of 1000' + feet, South of the centerline of Greenspring Ave. Lot number on subdivision not shown. Book number 602, Folio 126. Also known as 2125 Caves Rd. In the 4th election District.

This Deed, made this 28th day of June, 1985, in the year one thousand nine hundred and fifty-one, by and between MARY HOFMEISTER, Widow, of Baltimore County, in the State of Maryland, party of the first part, and LEO CALVIN HOFMEISTER and ADA ELLEN HOFMEISTER, his wife, of the same County and State, parties of the second part.

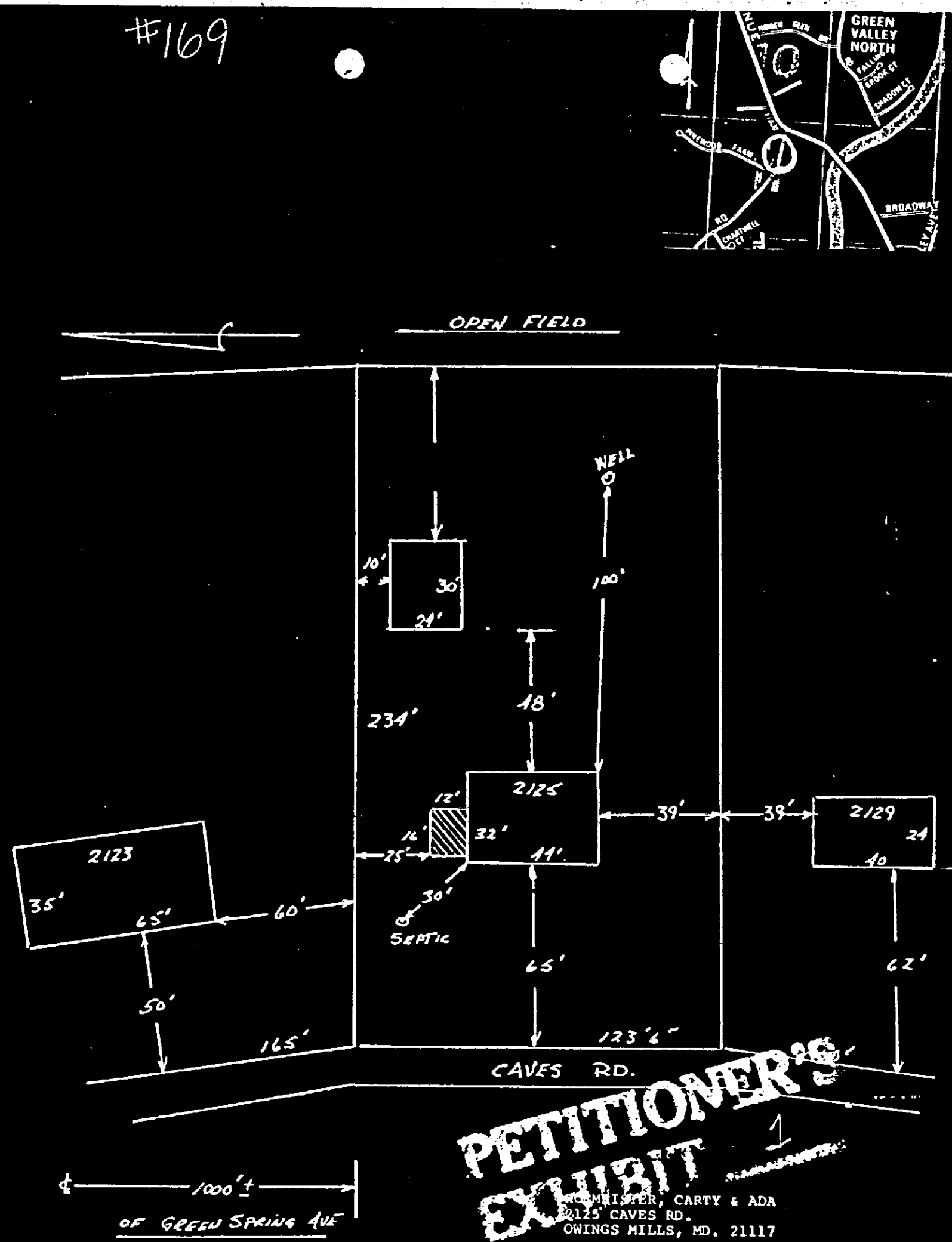
Witnesseth that in consideration of the sum of five dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said MARY HOFMEISTER does grant and convey unto the said LEO CALVIN HOFMEISTER and ADA ELLEN HOFMEISTER, his wife, as tenants by the entirety, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate, lying and being in Baltimore County, State of Maryland, aforesaid, which according to a survey made by Leo W. Bader, Surveyor, is described as follows, that is to say:

BEGINNING for the same at a point in the center line of the Caves Road as formerly laid out, said point being in the first line and distant South twenty-two (22) degrees twenty-six (26) minutes West forty-four and sixty-four one hundredths (44.64) feet measured along said line from the beginning of that parcel of land which by a deed dated September 11, 1934, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 602, Folio 126 was conveyed by George Dearholt, et al., to George Hofmeister and wife, said point of beginning being also at the end of the second line of that parcel of land which by a deed dated March 19, 1925, and recorded

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along the Land Records of Baltimore County in Liber W. P. C. No. 609, folio 443, was conveyed by George Hofmeister and wife to Penelope J. Scott, et al, thence running in the center line of the Caves Road as formerly laid out and running with and binding on a part of the said first line, the second line and on a part of the third line of the parcel of land firstly mentioned herein and conveyed by Dearholt to Hofmeister the three following courses and distances, viz: South twenty-two (22) degrees twenty-six (26) minutes West twenty-five and thirty-six one-hundredths (25736) feet, South twenty-seven (27) degrees fifty-seven (57) minutes West seventy-one (71) feet, and South forty-four (44) degrees thirty-seven (37) minutes West twenty-six and seventy-nine one-hundredths (26.79) feet, thence leaving said Road and said third line and running for lines of division the two following courses and distances, viz: South forty (40) degrees East two hundred two and fifty-nine one hundredths (202.59) feet and North forty-five (45) degrees twenty-three (23) minutes East one hundred fifteen and thirty-three one-hundredths (116.33) feet to intersect the aforementioned second line of said parcel of land conveyed by Hofmeister to Scott at a point distant North forty (40) degrees West one hundred eighty-eight and fifty-two one-hundredths (188.52) feet measured along said second line from a stone heretofore set at the beginning of said second line, thence running with and binding on a part of said second line and passing through the base of a gum tree situate near the southeast side of the said Caves Road North forty (40) degrees West two hundred thirty-four and twenty-one one-hundredths (234.21) feet to the place of beginning. Containing 0.668 of an acre of land more or less.

Being a part of that parcel of land which by a deed dated September 11, 1924, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 602, folio 126, was conveyed by George Dearholt, et al, to George Hofmeister and the said Mary Hofmeister, his wife, the said George Hofmeister having departed this life on or about September 15, 1938.



Mr. Francis Hofmeister
2125 Caves Rd.
Owings Mills, Md.
Mrs. Katzon
2125 Caves Rd.
Owings Mills, Md.
Mr. Apple
2123 Caves Rd.
Owings Mills, Md.

LOT NO. NONE
SUBDIVISION NONE
SCALE 1"=40'
ZONE NC-5
ELECTION DIST. 4
BOOK 602
FOLIO 126
FRONT 123.6
REAR 0
SIDE 1 234.21
SIDE 2 0
ACREAGE .6607
PRIVATE UTILITIES SEPTIC, WELL

89-289-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
2nd day of November, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner Leo C. Hofmeister, et ux Received by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

December 2, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204



Re: Property Owner: Leo Carty Hofmeister, et ux

Location: E/S Caves Rd., 1000' S of c/l of Greenspring Ave.

Dennis F. Rasmussen
County Executive

Item No.: 169

Zoning Agenda: Meeting of 11/1/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl...* NOTED & APPROVED: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Leo C. Hofmeister
2125 Caves Road
Owings Mills, Maryland 21117

RE: Item No. 169, Case No. 89-289-A
Petitioner: Leo C. Hofmeister, et ux
Petition for Zoning Variance

Dear Mr. Hofmeister:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing. This petition was accepted for filing on the date of the hearing and filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dtd

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
887-3353

J. Robert Haines
Zoning Commissioner

February 3, 1989

Mr. & Mrs. Leo C. Hofmeister
2125 Caves Road
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE
E/S Caves Road, 1,000' S of the c/l of Greenspring Avenue
(2125 Caves Road)
4th Election District - 3rd Councilmanic District
Leo C. Hofmeister, et ux - Petitioners
Case No. 89-289-A

Dear Mr. & Mrs. Hofmeister:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Ann M. Rastarowicz
ANN M. RASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. James Mauro
Patio Enclosures, Inc.
224 8th Avenue, N.W., Glen Burnie, Maryland 21061

People's Counsel

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
To: Zoning Commissioner Date: January 20, 1989

Pat Keller, Deputy Director
FROM: Office of Planning and Zoning

Hofmeister
SUBJECT: Zoning Petition No. 89-289-A

The Office of Planning and Zoning provides no recommendation on the above petition. If approved, however, the design of the addition should be compatible with the architecture of the existing house.

PK/sf

RECEIVED
JAN 23 1989

ZONING OFFICE